

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRÉS MARTÍNEZ,

Plaintiff,

-against-

ROBERT F. CUNNINGHAM, et al.,

Defendants.

1:19-CV-10420 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated in the Mid-State Correctional Facility, brings this *pro se* action. He failed to file a prisoner authorization with his complaint and *in forma pauperis* (“IFP”) application. For the following reasons, the Court dismisses this action without prejudice.

On the same date that the Court received the complaint for this action, it received an identical complaint from Plaintiff that commenced another action. That action is pending and Plaintiff has filed a prisoner authorization in that action. *See Martínez v. Cunningham*, ECF 1:19-CV-10517 (CM). Because the present complaint raises the same claims, no useful purpose would be served by litigating this duplicative action. The Court therefore dismisses this action without prejudice as duplicative of Plaintiff’s pending action in *Martínez*, ECF 1:19-CV-10517 (CM).

The Court directs the Clerk of Court to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. The Court dismisses this action without prejudice as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: December 16, 2019
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge